

Are lobbyists required to report gifts or meals provided to Legislators?

Lobbyists register with the Ethics Commission and file monthly reports. If the lobbyist or the lobbyist's client spends \$25 or more on behalf of a Legislator or a member of the Legislator's immediate family, the lobbyist is required to disclose the expenditure in a monthly report. This includes anything with a retail value of \$25 or more.

(Title 3, § 317(1)(G))

The threshold for lobbyist reporting (\$25) is lower than the threshold for the definition of a "gift" to a Legislator (\$300). So, there may be instances in which an expenditure is reported by the lobbyist (the donor) but not by the Legislator (the recipient).

Example: If a trade association provides travel and meals to a group of Legislators with a value of more than \$25 per Legislator, the association's lobbyist must report the expenditure. Each Legislator would not be required to report the expenditure, as long as the value to the Legislator is below \$300.

How may I receive more advice on accepting travel or gifts?

If you would like informal advice from the staff of the Ethics Commission, please contact Executive Director Jonathan Wayne at 287-4179 or by e-mail at Jonathan.Wayne@maine.gov. All e-mails or letters are public records.

For a formal advisory opinion from the members of the Commission, please write a letter requesting an opinion.

The legislative ethics law is posted on the Commission's website (www.maine.gov/ethics), along with advisory opinions from the Commission and Attorney General on topics such as gifts, conflicts of interest, and appearing before agencies.

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Maine Ethics Commission



**ADVICE TO LEGISLATORS:
ACCEPTING TRAVEL EXPENSES
AND OTHER GIFTS**

What is a gift?

A gift is anything of value received by a Legislator, including the forgiveness of a debt or obligation, unless you provide consideration of equal or greater value to the donor (for example, by paying for the item).

(Title 1, § 1012(4))

What are the exceptions to the gift definition?

- Goods or services with an aggregate value of \$300 or less received from a single source during a calendar year.
- A bequest or inheritance.
- A gift from a relative or from an individual on the basis of a personal friendship as long as that individual is not a registered lobbyist — unless the Legislator has reason to believe that the gift was provided because of the Legislator's official position and not because of a personal friendship.
- A subscription to a newspaper, news magazine, or other news publication.
- Legal services provided in a matter of legislative ethics.
- A meal provided at a prayer breakfast.
- A meal provided by an industry or special interest organization as part of an informational program presented to a group of public servants.

(Title 1, § 1012(4))

If someone pays for my travel, is that a gift?

Legislators sometimes receive invitations to attend events that involve travel, such as conferences or tours of economic activity. If someone pays for your travel, accommodations, or meals, the payments constitute a gift if those services are worth more than \$300. If you are in doubt, please ask the sponsor for an estimate of the value of the services.

Do I have to publicly disclose travel expenses or gifts I have accepted?

If the travel expenses are worth more than \$300, you are required to disclose them as a gift. Every February, Legislators disclose the sources of their personal income (including gifts) in a statement filed with the Commission.

Should I make a record of gifts I receive?

When the aggregate value of gifts received from a single source exceeds \$300, you will have to report the name of that source in the statement of sources of income. If you anticipate receiving meals, travel expenses, or other gifts from a single source during the year that could exceed \$300, you may wish to keep a record to use to complete the financial statement. If you know the value will be \$300 or less from a source, a record may not be necessary.

Are there restrictions on whether I can accept gifts?

Under the legislative ethics law, it is a conflict of interest for a Legislator or a member of the Legislator's immediate family to accept a gift

- from a person affected by legislation or who has an interest in an entity affected by proposed legislation,
- when the Legislator knows or reasonably should know that the purpose of the donor in making the gift is to influence the Legislator in the performance of his or her official duties or vote, or is intended as a reward for action on the Legislator's part.

(Title 1, § 1014(1)(B))

It is also a violation of Maine's Criminal Code (Title 17-A, § 605) for any Legislator to solicit, accept or agree to accept any "pecuniary benefit" from a person if the Legislator knows or reasonably should know that the purpose of the donor in making the gift is to influence the Legislator in the performance of his or her official duties or vote, or is intended as a reward for an action the Legislator has taken.

"Pecuniary benefit" includes "any advantage in the form of money, property, commercial interest or anything else the primary significance of which is economic gain." It does not include any minimum dollar threshold, so receiving items (including travel expenses) with a value of \$300 or less may be a violation.